

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CR-2-14-196
	:	JUDGE FROST
v.	:	
	:	
ANTONIO L. SIBLEY,	:	
	:	
Defendant.	:	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in the forfeiture allegation (Forfeiture B) of the Indictment (Doc. 9) returned in this action the United States sought the forfeiture of specific property, pursuant to 18 U.S.C. §2253(a)(1) and (3), being the property involved in the offenses as described in Count Two of the Indictment, which property is fully described below ("subject property"); and

WHEREAS, on May 27, 2015, following a seven (7) day trial, the Court issued an Order (Doc. 103) memorializing the trial and accepting the jury's guilty verdict against Defendant Antonio L. Sibley as to Count Two of the Indictment, in violation of 18 U.S.C. §§2251(a) and (e); and

WHEREAS, by virtue of said Indictment, Guilty Verdict, and the evidence presented at trial the Court has determined that the requisite nexus exists between the subject property and Count Two of the Indictment, that the subject property is forfeitable pursuant to 18 U.S.C. §2253(a)(1) and (3), and that the United States is now entitled to possession of the subject property.

Accordingly, it is hereby **ORDERED, ADJUDGED AND DECREED:**

1. That Defendant Antonio L. Sibley shall forfeit to the United States the subject property that is:

- (A) All matter containing said visual depictions or child pornography and child erotica, transported, mailed, shipped, and possessed in violation of 18 U.S.C. §§2251(a) and (e); and
- (B) All property used and intended to be used to commit and to promote the commission of the aforementioned violations, including but not limited to the following:
 - (1) **One Kyocera C5120 Milano cellular telephone, HEX# A0000027DB390DI308, including its contents.**

2. That the designated agent with Immigration and Customs Enforcement / Homeland Security Investigations shall immediately seize the subject property and hold same in his secure custody and control.

3. That the United States is authorized to conduct any discovery proper in identifying, locating or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. That the United States shall publish, in accordance with the provisions of 21 U.S.C. §853(n), notice of this Order and notice of its intent to dispose of the subject property in such manner as the Attorney General may direct.

5. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding in accordance with Fed. R. Crim. P. 32.2(b)(6).

6. That pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendant Antonio L. Sibley at the time of sentencing and shall be made

part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

7. That following the Court's disposition of all petitions filed pursuant to 21 U.S.C. §853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 5th day of June, 2015.

/s/ GREGORY L. FROST
HONORABLE GREGORY L. FROST
UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted,

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